

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | Case No.: 1:08 CR 359-01 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | |
| |) | |
| JUSTIN TOWNSEND, |) | <u>ORDER ACCEPTING PLEA</u> |
| |) | <u>AGREEMENT, JUDGMENT AND</u> |
| |) | <u>REFERRAL TO U. S. PROBATION</u> |
| Defendant |) | <u>OFFICE</u> |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge David S. Perelman, regarding the change of plea hearing of , which was referred to the Magistrate Judge with the consent of the parties.

On August 28, 2008 the government filed a one count indictment, charging Defendant, Justin Townsend, with Possession with Intent to Distribute Marijuana in violation of Title 21 United States Code, Section 841(a)(1) & (b)(1)(C). On September 11, 2008, Defendant Townsend was arraigned and entered a plea of not guilty before Magistrate Judge William H. Baughman, Jr. On October 31, 2008, Magistrate Judge David S. Perelman received Defendant Townsend's plea of guilty to count 1 of the Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Townsend is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Townsend is adjudged guilty to Count 1 of the Indictment, in violation of Title 21 United States Code, Section 841(a)(1) & (b)(1)(C). Sentencing will be on January 21, 2009, at 10:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE